

**PLANNING & ZONING COMMISSION**

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**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
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JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date July 23, 2020.

Application: (CZ 1918) Mark A. Casey

Applicant: Mark A. Casey  
28517 Warwick Road  
Millsboro, DE 19966

Owner: Mark A. Casey  
28517 Warwick Road  
Millsboro, DE 19966

Site Location: Located on the southeast corner of Warwick Road (S.C.R. 310A) and  
Downs Landing Road.

Current Zoning: Medium Density Residential (MR)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 7.10 acres +/-

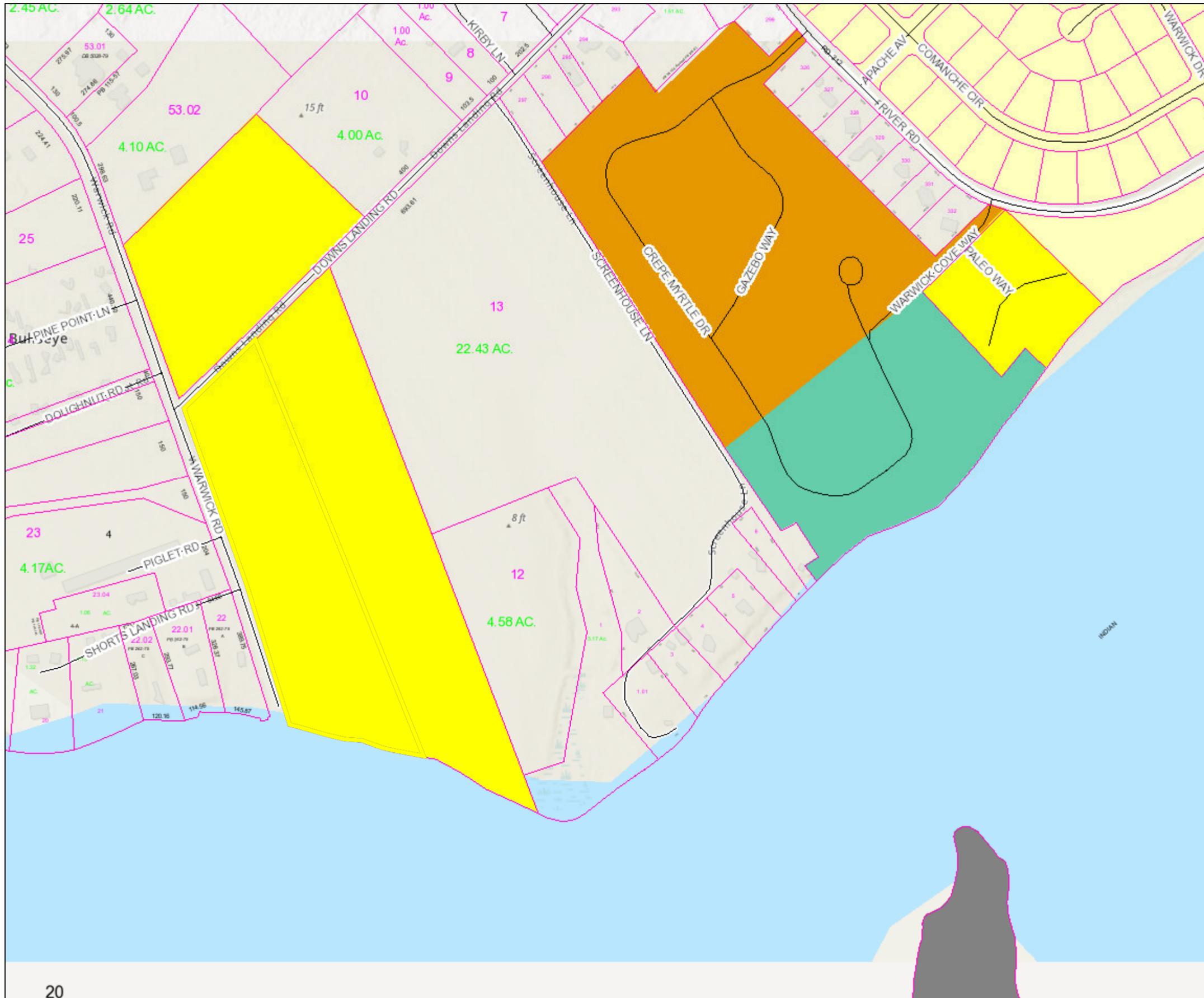
Tax Map ID: 234-33.00-55.00







# Sussex County

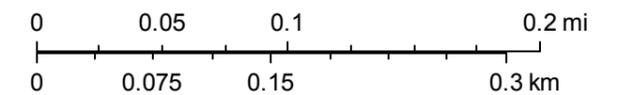


<b>PIN:</b>	234-33.00-55.00
<b>Owner Name</b>	CASEY MARK A
<b>Book</b>	4523
<b>Mailing Address</b>	4615 OLD LINDEN HILL RD
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	ON INDIAN RIVER
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets





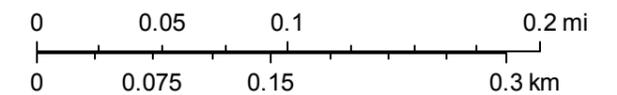
# Sussex County



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- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 25, 2020  
RE: Staff Analysis for CZ 1918 Mark A. Casey

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1918 Mark A. Casey to be reviewed during the July 23, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 234-33.00-55.00 to allow for a change of zone from Medium Density Residential (MR) Zoning District to an Agricultural Residential (AR-1) Zoning District. The parcel is located on the southeast corner of Warwick Road (S.C.R. 310A) and Downs Landing Road in Millsboro. Additionally, the Indian River Bay abuts the south side of the parcel. The size of the property is approximately 7.10 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Coastal Area" with all adjoining properties to the west, east and north of the parcel also being designated "Coastal Areas."

"Coastal Areas" are areas that can accommodate development provided that special environmental concerns are addressed and include a range of housing types such as single-family homes and multi-family units. Retail and offices use are also appropriate within this Zoning District.

The areas to the south (on the opposite side of the Indian River Bay) of the subject parcel are designated as "Industrial Area." "Industrial Areas" support larger industrial uses, including but not limited to heavier industry, light industry, warehousing, and flex space.

The Agricultural Residential (AR-1) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Medium Density Residential (MR) as are the adjoining property to the east and parcel to the north on the opposite side of Downs Landing Road. All properties to the west on the opposite side of Warwick Road (S.C.R. 310A) are zoned Agricultural Residential (AR-1).

Since 2011, there has been one Change of Zone application proposed within a one-mile radius of the application site. This application was for Change of Zone (C/Z 1823) to facilitate a change of



zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the County Council at its meeting of Tuesday, July 25, 2017 and adopted through Ordinance No. 2513.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to Agricultural Residential (AR-1) in this location, would be considered as being consistent with the land use, area zoning and surrounding uses.

R

File #: C/z#1918

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

28517 Warwick Rd

**Type of Conditional Use Requested:**

from MR to AR-1

Tax Map #: 234-33.00-55.00 Size of Parcel(s): 7.10 ACRES

Current Zoning: MR Proposed Zoning: AR-1 Size of Building: \_\_\_\_\_

Land Use Classification: \_\_\_\_\_

Water Provider: well Sewer Provider: SEPTIC

**Applicant Information**

Applicant Name: SAME AS OWNER

Applicant Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Owner Information**

Owner Name: MARK CASES

Owner Address: 28517 WARWICK ROAD

City: MILLSBORO State: DE Zip Code: 19966

Phone #: 302-612-1011 E-mail: MACDIVER56@AOL.COM

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_

Agent/Attorney/Engineer Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parcel #: \_\_\_\_\_

Site Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Owner Name: \_\_\_\_\_

## Type of Application:

Conditional Use: \_\_\_\_\_

Change of Zone: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Board of Adjustment: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

# Planning & Zoning Project Contact List

## Applicant Information

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Owner Information

Owner Name: \_\_\_\_\_  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Engineer/Surveyor Information

Engineer/Surveyor Name: \_\_\_\_\_  
Engineer/Surveyor Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Agent/Attorney Information

Agent/Attorney Name: \_\_\_\_\_  
Agent/Attorney Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Other

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

June 19, 2018

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Mark Casey** rezoning application, which we received on May 25, 2018. This application is for a 6.75-acre parcel (Tax Parcel: 234-33.00-55.00). The subject land is located on the southeast corner of the intersection of Warwick Road (Sussex Road 310A) and Downs Landing Road (Sussex Road 313A). The subject land is currently zoned as MR (Medium-Density Residential), and the applicant is seeking to rezone the land to AR-1 (Agricultural Residential).

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Warwick Road is 509 vehicles per day. As the subject land also has frontage along Downs Landing Road, the annual average daily traffic volume along that road is 1,252 vehicles per day.

Based on our review, we estimate that the above land uses will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 2  
June 19, 2018

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

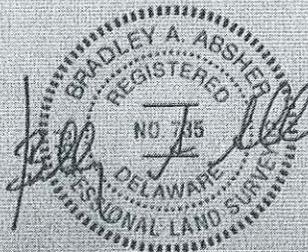
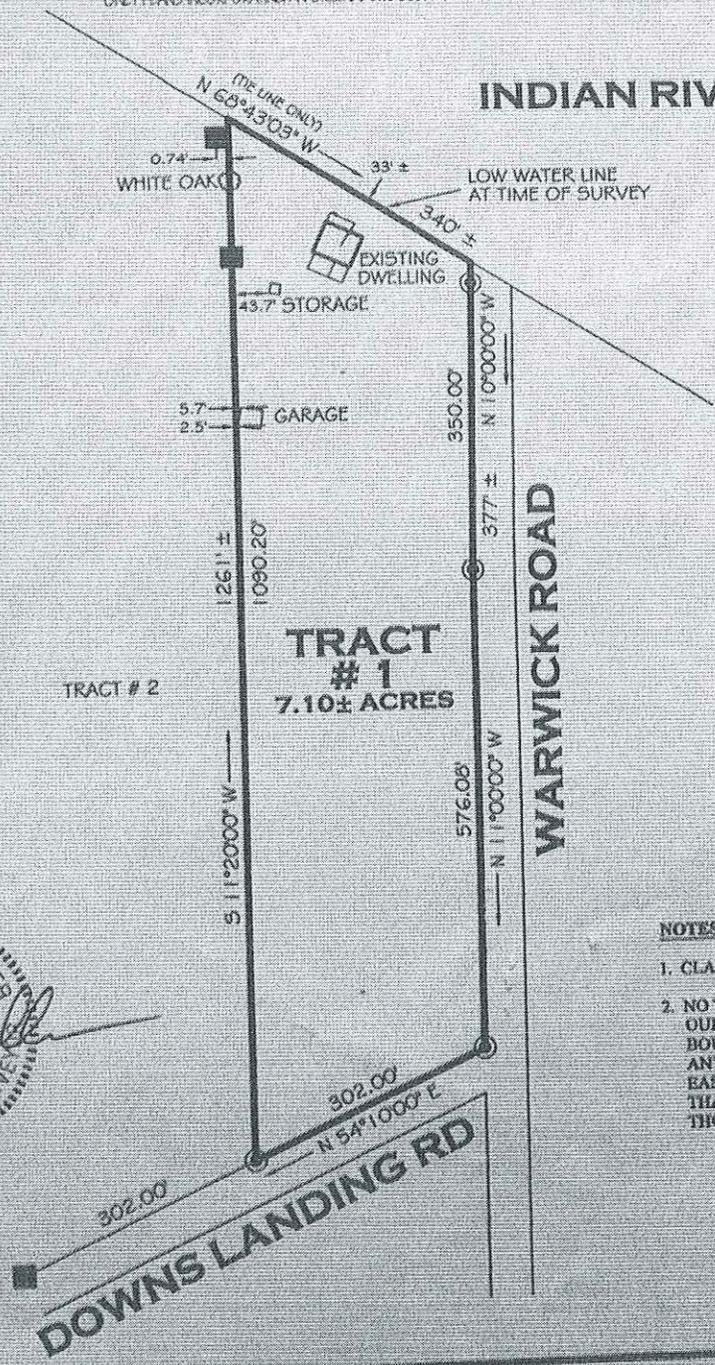
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Mark Casey, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and  
Operations  
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Susanne Laws, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

ONLY PLANS INCORPORATING AN ORIGINAL ENDOSSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



**INDIAN RIVER**



**NOTES**

1. CLASSIFICATION OF SURVEY: RURAL.
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

**LEGEND**

- CONCRETE MONUMENT FOUND
- IRON ROD W/ CAP SET

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
 OCEAN VIEW, DE 19970  
 DE 302-659-2489  
 MD: 410-430-2092

TAX MAP	2-34 - 33.00 - 55.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
TOWN	
AREA	7.10 ± ACRES
DEED REF.	WB 8011 / 160
PLAT REF.	UNRECORDED
DRAWN BY	BAA
DATE	03 / 07 / 16
SCALE	1" = 200'
SURVEY #	DE - 02703

**BOUNDARY SURVEY PLAN**

**TRACT # 1**  
 PLAT FOR

**BRITTINGHAM & ATKINS**

FOR

**MARK A. & LORI S. CASEY**

28517 WARWICK ROAD, MILLSBORO, DE